

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
1100 4TH STREET, S.W., SUITE E650
WASHINGTON, D.C. 20024**

In the Matter of:)	
)	
Jemal's Atlantic, LLC)	
Request for Minor Modification of an)	HPA Nos. 02-261(a) & 02-266(a)
Approved Mayor's Agent Order to)	(The Atlantic Building)
Allow the Reconfiguration of Retail)	
Space Under the Special Merit)	
Component of the Completed Project)	
at 950 F Street, N.W.)	

**MINOR MODIFICATION
DECISION AND ORDER**

By letter dated September 2, 2010, Jemal's Atlantic, LLC ("Applicant") requested the Mayor's Agent for Historic Preservation to approve a minor modification to the order dated September 3, 2002, in HPA Nos. 02-261 and 02-266 ("2002 Order"), to allow the reconfiguration of retail space under the special merit component of the completed project at 950 F Street, N.W., Washington, D.C. The property is located in the Downtown Historic District and is the site of several contributing buildings to the historic district and the individually designated Atlantic Building. By letter dated October 7, 2010, the Applicant supplemented its request for minor modification with proposed conditions to exclude certain retail and service uses from the ground floor and basement space and to ensure protection of original interior features of the Atlantic Building.

Notice of the application was sent on September 10, 2010 to ANC 2C and to the D.C. Preservation League, who were parties identified in the 2002 Order. The Mayor's Agent did not receive any submissions from these parties in response to the notice.

Findings of Fact

Upon consideration of the evidence presented in the Applicant's letter, and the basis for approval in the 2002 Order, the Mayor's Agent finds that the proposed modifications are minor in nature and do not disturb the underlying facts supporting the 2002 Order as a project of special merit. The reconfiguration of space in the Atlantic Building will entail the elimination of the re-created center lobby and a non-original stair to the B-1 level; a reduction in the size of the permanent museum area; and relocation of the original elevator cage and four cast iron columns within the ground floor level, which are the only remaining original interior features of the

building, to make them more prominent. The B-1 level will also be reconfigured, as needed, to provide two-level space to one or more ground floor tenants. The Applicant will continue to devote a minimum of approximately 37,156 square feet to preferred retail, service, arts, and arts-related uses, as referenced in 11 DCMR Chapter 17 (Downtown Development Overlay District) and listed in §§ 1710 and 1711, which exceeds the amount of preferred uses required for the site under zoning.

Conclusions of Law

The Mayor's Agent concludes that the project will continue to meet the standard for special merit under section 3(a)(11) of the Historic Landmark and Historic District Protection Act, D.C. Code § 6-1002(11), as applied in the 2002 Order. The minor modifications and reconfigured layout do not compromise the preservation component of the project and do not alter the amount of space to be devoted to the preferred uses. The modifications are necessary to create a desirable and marketable tenant layout and to facilitate occupancy of the space, which has remained vacant since the building was completed four years ago despite the Applicant's efforts to lease the space. Additionally, new conditions will assist the growth of active retail and strengthen the preservation of interior features. To that end, certain retail and service uses will be restricted from the ground floor and basement space to ensure the desirability of preferred uses along the streetscape. New lease restrictions also will protect original interior elements of the Atlantic Building.

Based on the precedent established in the Mayor's Agent orders in HPA Nos. 88-825 & 88-826 and HPA No. 01-190, the Mayor's Agent concludes that this minor modification request can be granted without a hearing.

ORDER


ACCORDINGLY, it is hereby

ORDERED, that the requested minor modification to an approved project of special merit in HPA Nos. 02-261(a) and 02-266(a) be, and the same is hereby, **GRANTED**, with the following **CONDITIONS**:

1. The Applicant will continue to provide a minimum of approximately 37,156 square feet of preferred uses on site. Additionally, the Applicant shall not lease the ground floor or basement retail space to any of the following uses:

- Bank or other similar financial services
- Check cashing stores
- Medical laboratories
- Laundry or dry cleaners
- Massage businesses
- Electronic Equipment Facility or other telecommunications facility that does not have direct public sales
- Sexually-oriented businesses

2. In any lease for the ground floor space that includes the four original columns and/or the elevator cage of the Atlantic Building, the Applicant shall include a provision that prohibits the tenant from removing, altering or otherwise damaging these original features. The Applicant shall specifically advise any prospective tenant of this provision and attach a copy of this modification order to the lease.
3. Modifications will be consistent with drawings submitted in Exhibit C of the Applicant's September 2, 2010 submission.
4. In all other respects, the approval granted by the Mayor's Agent in HPA Nos. 02-261 & 02-266 shall remain in full force and effect.



Harriet Tregoning
Mayor's Agent for Historic Preservation

October 20, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 20, 2010, the foregoing Minor Modification Decision and Order was served by first-class mail, postage prepaid on the following persons:

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Certifying Officer